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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

) CASE NO. 14-MJ-70839 NJV

Plaintiff,

V.

MELANIE WRATE,

Defendant.

~~[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1~~

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of April 8, 2015, at 9:30 a.m. before the Magistrate Judge on duty, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from March 2, 2015 to April 8, 2015. The parties agree, and the Court finds and holds, as follows:

1. This matter is currently set for arraignment before Magistrate Judge James on March 2, 2015.

2. The defendant is currently out of custody, and lives over 300 miles from the Courthouse. The defendant is enrolled in college courses, and has an exam scheduled for March 2, 2015.

3. The parties are working to resolve this matter, and the government has provided the defendant with discovery materials.

4. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.

§ 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

5. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

6. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case during the normal 28-day timeline established in Rule 5.1.

7. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from March 2, 2015 to April 8, 2015, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7. Accordingly, and with the consent of the defendant, the Court:

(1) sets a preliminary hearing date before the duty Magistrate Judge on April 8, 2015, at 9:30 a.m., and

1 (2) orders that the period from March 2, 2015 to April 8, 2015, be excluded from the time
2 period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
3 Act calculations under 18 U.S.C. § 3161(h)(8)(A).

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6 IT IS SO STIPULATED:

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8 DATED: February 27, 2015

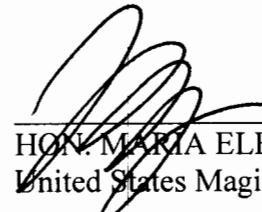
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/s/ _____
JOHN J. JORDAN
Attorney for Defendant

DATED: February 27, 2015

/s/ _____
MATTHEW L. McCARTHY
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 2-27-15


HON. MARIA ELENA JAMES
United States Magistrate Judge